



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1376/1
MES:kjf:rs

2015 ASSEMBLY BILL 29

February 10, 2015 - Introduced by Representatives KESSLER, BARNES, BOWEN, BROSTOFF, JOHNSON, YOUNG, C. TAYLOR, MASON, ZAMARRIPA and SUBECK, cosponsored by Senators L. TAYLOR, C. LARSON and HARRIS DODD. Referred to Committee on Criminal Justice and Public Safety.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to create* 66.0414 of the statutes; **relating to:** limiting the authority of
2 a law enforcement officer to arrest someone for sleeping or camping in a county
3 park, authorizing local ordinances to prohibit overnight sleeping or camping in
4 a county park, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under this bill, and subject to a number of exceptions, no state or local law enforcement officer may arrest a person, without a warrant, who is suspected of sleeping in an area of a county park in which the county has prohibited overnight sleeping or overnight camping. The exceptions include situations where the law enforcement officer knows the person is wanted for arrest on charges unrelated to sleeping or camping in a county park or the officer reasonably believes the person is a threat to public health or safety for reasons unrelated to sleeping or camping in a county park.

The bill authorizes a political subdivision to enact and enforce an ordinance prohibiting a person from sleeping in a county park in an area designated by the political subdivision as an area in which overnight sleeping or camping is prohibited, but the ordinance must specify that the penalty for violating such an ordinance is a forfeiture of not less than \$10 nor more than \$200, plus costs. The ordinance must also specify that a person who is convicted of violating such an ordinance and does not pay the forfeiture may be sentenced to a term of not more than 90 days in the county jail or county house of corrections.

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If a political subdivision has in effect on the effective date an ordinance that is inconsistent with the provisions contained in the bill, the ordinance does not apply and may not be enforced.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 66.0414 of the statutes is created to read:

2 **66.0414 Law enforcement in county parks. (1)** In this section:

3 (a) “Law enforcement officer” means any person employed by the state or any
4 political subdivision for the purpose of detecting and preventing crime and enforcing
5 laws or ordinances and who is authorized to make arrests for violations of the laws
6 or ordinances the person is employed to enforce, whether that enforcement authority
7 extends to all laws or ordinances or is limited to specific laws or ordinances.

8 (b) “Political subdivision” means any city, village, town, or county.

9 **(2)** Except as provided in sub. (3), and subject to subs. (4) and (5), no law
10 enforcement officer may, without a warrant, arrest any person who is suspected of
11 sleeping in a county park in an area that the county has designated as an area in
12 which overnight sleeping or overnight camping is prohibited.

13 **(3)** The limitation on arrest in sub. (2) does not apply if any of the following
14 apply to the person suspected of sleeping in a county park:

15 (a) The law enforcement officer knows that the person is wanted for arrest on
16 other charges unrelated to overnight sleeping or camping in a county park.

17 (b) The law enforcement officer reasonably believes that the person poses a
18 threat to public health or safety that is unrelated to sleeping or camping in a county
19 park.

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1 (4) (a) Subject to par. (b), a political subdivision may enact and enforce an
2 ordinance prohibiting a person from sleeping in a county park in an area designated
3 by the political subdivision as an area in which overnight sleeping or overnight
4 camping is prohibited.

5 (b) The ordinance described in par. (a) shall specify the penalty for violating the
6 ordinance is a forfeiture of not less than \$10 nor more than \$200, plus costs. The
7 ordinance shall also specify that if a person convicted of such an ordinance does not
8 pay the forfeiture, the person may be sentenced to serve a term in the county jail or
9 county house of corrections for a period not to exceed 90 days.

10 (5) If a political subdivision has in effect on the effective date of this subsection
11 [LRB inserts date], an ordinance that is inconsistent with the provisions of sub.
12 (2) or (4), the ordinance does not apply and may not be enforced.

SECTION 2. Initial applicability.

14 (1) This act first applies to a person who is found sleeping in a county park by
15 a law enforcement officer on the effective date of this subsection.

16 (END)